

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 23-22688-CIV-ALTONAGA/Damian

FLORIDA RIGHTS RESTORATION
COALITION, *et al.*,

Plaintiffs,

v.

RONALD DESANTIS, in his official
capacity as Governor of Florida, *et al.*,

Defendants.

**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO FILE THREE
CONSOLIDATED MOTIONS TO DISMISS BETWEEN ALL DEFENDANTS**

All Defendants respectfully move for leave to file three motions to dismiss—one by the state-level Defendants, one by the Clerks of the Circuit Courts, and one by the Supervisors of Elections—instead of a single, combined motion to dismiss.

1. On July 19, 2023, Plaintiffs filed this action against 142 public-officials. ECF No. 1.
2. The Defendants are seven state officials—the Governor, Florida's Secretary of State and Secretary of Corrections, the Commissioner of the Florida Department of Law Enforcement, and the three Commissioners of the Florida Commission on Offender Review (the "State Defendants")—in addition to all 67 Clerks of the Circuit Courts (plus Orange County's separate Comptroller) and all 67 Supervisors of Elections.
3. Plaintiffs' operative complaint, which spans 77 pages, 203 paragraphs, and nearly 22,000 words, alleges that the 142 public-official Defendants are engaged in a "campaign" to disenfranchise individuals with prior felony convictions. ECF No. 9 ¶ 3.

4. Plaintiffs' allegations run the gamut. They allege:
 - a. Voter intimidation by three of the State Defendants, including a statewide enforcement campaign to arrest individuals with prior felony convictions for voting;
 - b. Disparate and defective procedures for the calculation of the legal financial obligations ("LFOs") of individuals with prior felony convictions, including the incorrect calculation of LFOs; a failure to maintain accurate LFO information; a failure to provide prompt, accurate, and reliable LFO information to individuals; a failure to notify the Clerks of LFO payments; the provision of inaccurate advice to individuals with prior felony convictions; and the misapplication of funds paid to discharge LFOs; and
 - c. A failure to provide notice to ineligible voters before those voters are removed from the registration rolls.

ECF No. 9 at 65–76. Plaintiffs seek a sweeping injunction against all 142 Defendants, an accounting, the appointment of a compliance monitor, and an award of attorney's fees.

5. There are substantial differences in the claims asserted and facts alleged against each of the three groups of Defendants: the State Defendants, the Clerks, and the Supervisors. None of Plaintiffs' allegations applies equally to all three Defendant groups.

6. All three Defendant groups intend to seek dismissal. Each intends to make arguments that are distinct from—or founded on different factual allegations, statutes, and constitutional provisions than—the arguments to be presented by the other groups.

7. This Court has directed the Defendants to "submit a single, combined response or separate answers" to Plaintiffs' operative complaint. ECF No. 255 at 1; ECF No. 29 at 1. The Court's Local Rules would limit a single, combined motion to dismiss to 20 pages. S.D. Fla. L.R. 7.1(c)(2). Assuming an equal division of the page allowance, a requirement to file a single,

combined motion to dismiss would limit each of the three Defendant groups to fewer than seven pages.

8. In a case with so many defendants and such diverse claims and allegations, a limitation to a single, combined motion to dismiss would greatly impede the ability of each Defendant group to present its dismissal arguments in a manner that, while concise, is thorough and comprehensive enough to be helpful to the Court. It would even prevent the presentation of some arguments altogether.

9. The Defendants therefore seek leave to file three motions to dismiss: one combined motion by all State Defendants, one combined motion by all Clerks, and one combined motion by all Supervisors—each subject to its own 20-page limit. All Defendants will coordinate with each other to avoid, as much as possible, duplication of arguments in their respective motions.

10. The Defendants respectfully submit that leave to file three motions to dismiss will advance the purposes of the Court's original limitation because it will continue to prevent the filing of disparate, individual motions by one or a small number of Defendants.

11. At the same time, it would afford this extraordinarily large number of Defendants a reasonable opportunity to present to the Court the reasons Plaintiffs' claims should be dismissed—an especially important objective where, as here, dismissal has the potential to streamline onerous litigation and discovery against public officials and, in doing so, avert significant and potentially unnecessary expenditures of state and county resources. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 557–59 (2007) (explaining the important gatekeeping function of a motion to dismiss to guard against the inordinate cost of discovery and *in-terrorem* settlements).

WHEREFORE, Defendants respectfully move for leave to file three motions to dismiss—one by the State Defendants, one by the Clerks, and one by the Supervisors.

Certificate of Pre-Filing Conference

Pursuant to Local Rule 7.1(a)(3), counsel for movants have conferred with all parties or non-parties who may be affected by the relief sought in the motion in a good faith effort to resolve the issues raised in the motion. Plaintiffs' counsel stated by telephone on October 2, 2023, that Plaintiffs do not oppose the relief requested in this motion.

Dated October 13, 2023.

Respectfully submitted,

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